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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,648	06/25/2003	Dennis Morgan	M1103.70154US00	4051

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EXAMINER

BLUDAU, BRANDON S

ART UNIT	PAPER NUMBER
2132	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/603,648	Applicant(s) MORGAN ET AL.	
	Examiner Brandon S. Bludau	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



KAMBIZ ZAND
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-37 are pending.

Specification

2. Claims 34-37 are objected to because of the following informalities: Claim 34 is numbered as claim 33, thus making two claim 33s. The following claims erroneously follow in order. The second claim 33 should read 34 and the subsequent claims should read 35-37. Appropriate correction is required.

Claim Objections

3. Claim 6 objected to because of the following informalities: line 2 recites "bandwidth of connection throttling", wherein the Examiner assumes it should read "bandwidth or connection throttling". Appropriate correction is required.
4. Claim 21 is objected to because there is no antecedent basis for "the firewall". Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 18 and 33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A computer readable medium as disclosed in the specification encompasses signals such as acoustic. Such carrier waves per se are considered non-statutory.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear to the Examiner how the application programming interface and the enforcement module interrelate in the system. Does the application send a call to an API with connection parameters and then send an indication to the module to establish a connection? It is unclear how the elements are related and their specific function unique.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 1-3 and 12-15, 18-26, 30 and 33-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Malcolm (US Patent 7146638).
8. As per claim 1, Malcolm discloses a computer-implemented method, comprising:

receiving a call from an application via an application programming interface, the call having parameters for a connection to an endpoint that the application desires to establish (column 6 lines 41-51 and column 2 lines 54-62 which discusses a well-known feature of communicating via an API);

receiving an indication from the application that the application desires to establish the connection (column 4 lines 6-11); and

making a call to a firewall to establish the connection in accordance with the parameters (column 7 lines 21-41).

9. As per claim 2, Malcolm discloses the method of claim 1, further comprising, at the firewall, evaluating the parameters with respect to a policy and, if the parameters meet the policy, establishing the network connection in accordance with the parameters (column 7 lines 21-41 wherein the policy is the rule established at the firewall).

10. As per claim 3, Malcolm discloses the method of claim 1, wherein the parameters comprise a known endpoint to which the application would like to be connected (column 7 line 29).

11. As per claim 12, Malcolm discloses the method of claim 1, wherein the indication comprises opening a listening socket (column 7 lines 47-59).

12. As per claim 13, Malcolm discloses the method of claim 1, wherein the indication comprises connecting to a socket (column 7 lines 47-59).

13. As per claim 14, Malcolm discloses the method of claim 1, wherein the call to the firewall is made via a firewall application programming interface (see rejection to claim 1).

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14. As per claim 15, Malcolm discloses the method of claim 1, wherein the firewall is located on a computer with the application (column 8 lines 62-64).

15. As per claim 18, Malcolm discloses a computer-readable medium having computer-executable instructions for performing the method recited in claim 1 (see claim 1 and column 5 lines 51-54).

16. Claim 19 is rejected because it discloses similar subject matter to claim 1 wherein the computer system elements are necessarily described in Malcolm.

17. Claim 20 is rejected because it discloses similar subject matter to claim 1, wherein one may conclude the API discussed is a firewall API since it communicates with the firewall.

18. Claim 21 is rejected because it discloses similar subject matter to claim 2, wherein establishing the policies is inherent and necessarily implied in Malcolm.

19. As per claim 22, Malcolm discloses the method of claim 21, further comprising if the connect attempt, the listen attempt, or the combination thereof does not comply with the policies, sending a notification to a user of the application or service (column 4 lines 53-56).

20. As per claim 23, Malcolm discloses the method of claim 22, wherein the notification comprises a selection to allow the connection (column 4 lines 53-59).

21. As per claim 24, Malcolm discloses the method of claim 21, wherein establishing the policies comprises receiving a policy from the application or service (column 4 lines 38-47).

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22. As per claim 25, Malcolm discloses the method of claim 24, wherein receiving policies comprises receiving policies via an application programming interface (see rejection to claim 1).

23. As per claim 26, Malcolm discloses the method of claim 24, wherein the policy received from the application or service comprises inbound or outbound restrictions using one or more Internet Protocol addresses, information about scope of the connection, or combinations thereof (column 4 line 49 wherein the destination address is necessarily an IP address in view of the discussion).

24. Claim 30 is rejected because it discusses similar subject matter to claim 15.

25. Claim 33 is rejected because it discloses similar subject matter to claim 21.

26. Claim 34 is rejected because it discloses similar subject matter to claim 21, wherein Malcolm discloses the interception module at the firewall.

27. As per claim 35, Malcolm discloses the computer system of claim 33, wherein the interception module comprises a policy cache for storing the policies (see fig. 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

28. Claims 4-6,9-11,16-17,27-29,31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malcolm (US Patent 7146638) and further in view of Chakravarty (US PgPub 2004/0128545).

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29. As per claim 4, Malcolm discloses the method of claim 3, but fails to specifically discuss wherein the parameters further comprise a request to limit the connection to a single connection.

Chakravarty discloses a similar method to Malcolm wherein applications submit to a firewall specific parameters for enabling a connection through the firewall, wherein the parameters are directed specifically to protocol commands specific to the requesting application [0024] and [0027]. Chakravarty doesn't specifically disclose wherein the request limits the connection to a single connection, however, one of ordinary skill in the art would be well-aware that this is a specific requirement of HTTP protocol and thus may necessarily be included in Chakravarty.

Chakravarty is analogous art because it is directed to a method of configuring a firewall to assist applications for establishing network communications.

It would have been obvious for one of ordinary skill in the art to modify Malcolm to include wherein a request parameter for the firewall would include a request to limit the connection to a single connection.

Motivation for one to modify Malcolm would be to include a method wherein an application that requires specific requirements may be able to dynamically configure the firewall to enable a communication through the firewall for many different protocols as discussed throughout Chakravarty specifically ([0022] and [0031] lines 13 and 14).

30. As per claim 5, Chakravarty discloses the method of claim 4, further comprising , after the connection has been established, closing the connection in accordance with the request.

The Examiner asserts that one of ordinary skill would be advised as to the requirements for HTTP and would necessarily close the connection according to the request.

31. As per claim 6, Malcolm discloses the method of claim 1, but does not disclose wherein the parameters comprise a request for bandwidth or connection throttling for the connection.

The Examiner points to the rejection of claim 4 wherein Chakravarty discloses communicating parameters directed to specific applications. The Examiner notes that it would be obvious for a parameter of an application be directed to request for bandwidth or connection throttling. These are specific requirements or enhancements of well-known applications specifically peer-to-peer applications as would be well known to one of ordinary skill in the art. Motivation applies as stated in the rejection to claim 4.

32. As per claim 9, Malcolm in discloses the method of claim 1, but does not include wherein the parameters comprise turning off or on specific protocol options.

Chakravarty necessarily includes wherein the parameters may include turning on or off specific protocol options, considering as it is directly related for specifying protocol parameters related to the requesting application. Obviousness and motivation may be applied as discussed in the rejection to claim 4.

33. As per claim 10, Malcolm discloses the method of claim 1, but does not disclose wherein the parameters comprise information about a property of a flow that requires special handling.

Chakravarty discloses wherein the parameters comprise information about a property of a flow that requires special handling [0035].

Motivation to modify Malcolm to specify wherein the property of a flow requires special handling such as authorization or authentication would be such as to authenticate specific users for applications as is already commonly implemented in the art of firewalls and would be well-known to one of ordinary skill in the art.

34. As per claim 11, Malcolm discloses the method of claim 10, but does not disclose wherein the information comprises a request for authentication or encryption.

Chakravarty does disclose wherein the information comprises a request for authentication or encryption (see rejection to claim 10).

35. As per claim 16, Malcolm discloses the method of claim 1, but does not disclose wherein the firewall comprises an edge firewall, and further comprising an agent to communicate information to the edge firewall about the connection.

Chakravarty discloses wherein the firewall is an edge firewall

36. As per claim 17, Malcolm discloses the method of claim 1, wherein the firewall comprises an edge firewall, and further comprising an authenticated protocol to communicate information to the edge firewall about the connection.

37. Claim 27 is rejected because it discloses similar subject matter to claim 10.

38. Claims 28 and 29 are rejected because they disclose subject matter similar to claim 11.

39. Claims 31 and 32 are rejected because they disclose similar subject matter to that as discussed in claims 16 and 17 respectively.

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40. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malcolm (US Patent 7146638) and further in view of Chakravarty (US PgPub 2004/0128545) and the Applicant's disclosure as prior art.

41. As per claim 7, Malcolm discloses the method of claim 1, but does not disclose wherein the parameters comprise limiting the connection to a subset of interfaces, local addresses, or remote addresses, or combinations thereof.

The Examiner asserts a similar rejection to that as applied for claim 6, wherein Chakravarty discloses the parameters being specific to an application. The Examiner argues that it would be obvious for one of ordinary skill in the art to include wherein one of the parameters is specifically to limit the connection to a subset of address. Not only is this a common feature known for applications in the art, but also the Applicant admits this as a known feature in firewalls commonly used in the art ([004] lines 1-4). It would be obvious for one to include in a parameter sent directly from an application to include those that are already currently and commonly implemented in firewalls in the art.

42. As per claim 8, Malcolm discloses the method of claim 1, but does not include wherein the parameters comprise a timeout policy for the connection.

The examiner asserts that a timeout policy is a well-known rule or parameter found in firewalls implemented in the art and thus would be an obvious enhancement of the current method as disclosed by Malcolm in view of Chakravarty.

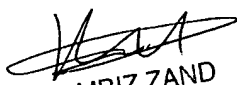
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon S. Bludau whose telephone number is 571-272-3722. The examiner can normally be reached on Monday -Friday 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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PRIMARY EXAMINER

Brandon S Bludau
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Art Unit 2132

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